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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HIGH SIERRA HIKERS ASSOCIATION,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF THE
INTERIOR, et al.,

Defendants.

Case No. CV-09-4621-RS

JOINT STATUS REPORT AND
STIPULATION TO FURTHER
REVISE BRIEFING SCHEDULE;
~~PROPOSED~~ ORDER

JUDGE: HONORABLE
RICHARD SEEBORG

Courtroom: 3, 17th Floor

JOINT STATUS REPORT AND STIPULATION TO FURTHER REVISE BRIEFING
SCHEDULE AND ORDER
CASE No. CV-09-04621-RS

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2 The Plaintiff High Sierra Hikers Association and the Defendants, U.S. Department of the
3 Interior, et al., submit this joint status report and stipulation to advise the Court as to the status of
4 the ongoing settlement process with respect to the Plaintiff's Motion for Attorneys' Fees, Costs,
5 and Other Expenses. The settlement process continues to move forward, although somewhat
6 slower than Defendants had anticipated, due in large part to a serious family medical condition
7 that has required Defendants' lead counsel to take extensive leave during January 2013. Both
8 parties now expect that a final settlement can be reached in the near future. As explained below,
9 additional time is needed to secure formal approval from federal officials in Washington, D.C.

10 WHEREAS, on October 26, 2012, the Plaintiff High Sierra Hikers Association filed a
11 Motion for Attorneys' Fees, Costs, and Other Expenses Pursuant to 28 U.S.C. § 2412,

12 WHEREAS, the litigation counsel for both parties and their clients have reached
13 agreement on the specific terms and conditions of a settlement agreement, which, if approved,
14 would specify a payment of a sum certain by the National Park Service to the Plaintiff in full and
15 complete settlement of the Plaintiff's claim, resulting in dismissal of the pending motion;

16 WHEREAS, the parties are optimistic that a final settlement can be approved in the near
17 future that would avoid the need for a hearing;

18 WHEREAS, the Defendants secured the recommendations from Department of Justice
19 and Department of the Interior officials involved in the litigation to approve the proposed
20 settlement, and those officials have presented the proposed settlement and recommendations to
21 senior officials in the Department of Justice with final authority to approve the settlement;

22 WHEREAS, the Defendants' counsel has requested a final decision on the proposed
23 settlement within two weeks and expects that a decision will be forthcoming in the near future;

24 WHEREAS, at Defendants' request, the Court previously continued the date for the
25 Defendants to file their opposition to the fee motion until February 14, 2013;

26 NOW THEREFORE, IT IS HEREBY STIPULATED and agreed between the Parties that:
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2 1. The date for the Defendants to file their opposition to Plaintiff's Motion shall be
3 continued by an additional 14 days, until **February 28, 2013**, to allow time for a decision on
4 approval of the proposed settlement agreement negotiated by the parties.

5 2. The parties shall advise the Court of the status their settlement discussions in a joint
6 status report to be filed on or before **February 20, 2013**.

7 3. The hearing on Plaintiff's Motion is continued until a date to be set following the joint
8 status report on February 20, 2013. If settlement does not appear imminent at that time, the
9 parties will agree on a date for the Plaintiff's Reply and request a hearing on Plaintiff's Motion at
10 the next available date on the Court's calendar.

11 **IT IS SO STIPULATED.**

12 In addition to stipulating to the above, I, Charles R. Shockey, attest that concurrence in the
13 filing of this Stipulation has been obtained from Barbara N. Barath, Attorney for Plaintiff.

14 Dated: February 7, 2013

BARBARA N. BARATH
MORRISON & FOERSTER LLP

16 By: /s/ **Barbara Barath** [as authorized]
Barbara Barath, Attorney for Plaintiff

17 Dated: February 7, 2013

CHARLES R. SHOCKEY
U.S. DEPARTMENT OF JUSTICE

19 By: /s/ **Charles R. Shockey**
Charles R. Shockey, Attorney for Defendants

21 **[PROPOSED] ORDER**

22
23 PURSUANT TO STIPULATION, IT IS
24 SO ORDERED.

25 Dated: 2/8/13

26 BY: 
HONORABLE RICHARD SEEBORG
U.S. DISTRICT COURT JUDGE

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28 JOINT STATUS REPORT AND STIPULATION TO FURTHER REVISE BRIEFING
SCHEDULE AND ORDER
CASE No. CV-09-04621-RS